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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Jean-Michel Defert

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EXAMINER

MERLINO, ALYSON MARIE

ART UNIT

PAPER NUMBER

3673

NOTIFICATION DATE

DELIVERY MODE

12/30/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
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Office Action Summary	Application No. 10/597,508	Applicant(s) DEFERT, JEAN-MICHEL	
	Examiner ALYSON M. MERLINO	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The examiner acknowledges applicant's amendments to claims 5-11, 21-26, and 27, the cancellation of claims 1-4, and the presentation of claims 12-20 and 28-30 filed 10 September 2009.

Claim Objections

2. **Claim 5 is objected to** because of the following informalities: In lines 6 and 7, the phrase "an electromagnet" should be changed to "the electromagnetic core" in accordance with the preceding lines of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 5-30 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. **Claims 5, 12 and 17 are rejected** under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: guide means, and the bolt being moved between locked and unlocked positions. It is clear that the linear movement of the retractable sliding bolt can only occur when the movement of the bolt is restricted by its cooperation with the columns 7. In regards to claim 5, it is clear that in order for the electromagnetic lock to operate, limitations regarding the status or

Art Unit: 3673

position of the plate and/or bolt when the electromagnet is energized and when it is not energized should be included. These events or steps are discussed in the last five lines of claim 12. Furthermore, in regards to claims 12 and 17, the claims discuss a locked position, however, there is no language relating this position to an unlocked position, such as the sliding bolt moving between locked and unlocked positions, with the armature plate moving between engaged and disengaged positions wherein the springs bias the plate towards the engaged position, engaging the armature plate with the electromagnetic core. Also, with respect to the electromagnetic core being de-energized, it is clear that the armature plate is no longer engaged to the electromagnetic core, and that pressure exerted on the door allows the retractable sliding bolt to engage with the fixing plate to move the sliding door towards the unlock position. It is clear that this is the proper operation and components of the device that allow the operation and it is strongly suggested that claims 5, 12, and 17 reflect this operation.

6. **In regards to claim 26**, it is unclear how the retractable sliding bolt is prevented from moving back away from the protruding position, when another position, such as an unlocked or disengaged position of the sliding bolt, has not been set forth so that the bolt may be prevented from moving "back" to that disengaged position. For examination purposes, the claim will be given a broad interpretation until further clarification from applicant.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3673

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claims 5-8 and 27 are rejected** under 35 U.S.C. 102(b) as being anticipated by Carleton (US-608321).

9. **In regards to claim 5**, Carleton discloses an electromagnetic lock (Figure 1) comprising a body A, a linearly movable retractably sliding bolt 17, an electromagnetic core 10 arranged in the body (apparent from Figure 1), and a movable plate 22 arranged in the body and being structure and arranged to contact and support the retractable sliding bolt and to function as an armature of the electromagnetic core (apparent from Figure 1), wherein the movable plate is movable via two forces (forces of springs 12 and spring 20, Figure 1) acting in the same direction and is structured and arranged to move the retractable sliding linearly to a protruding position (position shown in Figure 1).

10. **In regards to claim 6**, Carleton discloses that the retractable sliding bolt is configured for a swinging-type door B (Figure 1).

11. **In regards to claims 7 and 8**, Carleton discloses that the movable plate and the retractable sliding bolt are movable in the same direction or a bolt displacement direction (apparent from Figure 1).

12. **In regards to claim 27**, Carleton discloses that the movable plate is guided linearly in the body when the retractable sliding bolt moves to the protruding position and is guided linearly when the electromagnetic lock is arranged on a swinging-type door B (apparent from Figure 1).

Allowable Subject Matter

13. Claims 12, 17, 21, 23, and 24 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

14. Claims 9-11, 13-16, 18-20, 22, and 25-30 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

15. Applicant's arguments with respect to claims 5-11 and 25 have been considered but are moot in view of the new ground(s) of rejection.

16. In regards to applicant's remarks concerning the rejection of claims 5-30 under 35 U.S.C. 112, second paragraph, the examiner respectfully disagrees, noting that applicant's device requires the missing features to operate. Specifically, the claims recite that the sliding bolt is linearly moveable, and it is clear from the understanding of the device, the drawings, and the specification that the guide means are used to ensure that the plate is "linearly" movable causing the bolt to be linearly moved. Without the guides recited in the claims, the plate of the device is just hanging in space and is not connected to the body of the lock; therefore, it is clear that these guides are essential to the device as shown in Figures 1-3. Furthermore, as discussed in the rejection above, the device is an electromagnetic lock; however, the locked and unlocked positions are not recited in the claims to relate the locking and unlocking of a door to the operation of the device. Also, applicant submitted a board decision for the examiner's consideration.

Art Unit: 3673

This decision was considered but was not persuasive, and therefore, the rejections of claims 5-30 under 35 U.S.C. 112, second paragraph, are maintained.

17. As noted in applicant's summary of the interview of September 9, 2009, the objection to claims 13, 18, and 22 are withdrawn.

18. The examiner appreciates applicant's amendments to claims 23 and 24, and therefore, the objections to claims 23 and 24 set forth in the previous office action are withdrawn.

19. The examiner would like to note that applicant stated in the first paragraph of the remarks that claims 1-30 are pending in the current application, however, claims 1-4 were canceled by applicant, and therefore, claims 5-30 are pending in the application.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALYSON M. MERLINO whose telephone number is (571)272-2219. The examiner can normally be reached on Monday through Friday, 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3673

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter M. Cuomo/
Supervisory Patent Examiner, Art Unit 3673

AM
December 18, 2009